

HERZFELD & RUBIN, P.C.  
ATTORNEYS AT LAW  
40 WALL STREET  
NEW YORK, N.Y. 10005-2349

TELEPHONE: (212) 471-8500  
FAX: (212) 344-3333  
[WWW.HERZFELD-RUBIN.COM](http://WWW.HERZFELD-RUBIN.COM)

Natalie M. Lefkowitz  
Direct Line: (212) 471-8544  
[NLefkowitz@herzfeldrubin.com](mailto:NLefkowitz@herzfeldrubin.com)

January 4, 2008

Via Facsimile

Chambers, Honorable Charles L. Brieant  
U.S. District Court, Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Attn: Alice

Re: *Home Depot U.S.A., Inc. v. Chubb Group of Insurance Companies and Federal Insurance Company*  
Case No. 07-CV-3502  
Our File No. 32129.0291

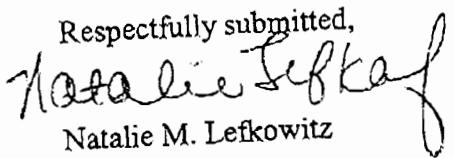
Dear Alice:

My office represents plaintiff Home Depot U.S.A., Inc. in a declaratory judgment action entitled *Home Depot U.S.A., Inc. v. Chubb Group of Insurance Companies and Federal Insurance Co.* (07 CV 3502.) The action arises out of consolidated property damage actions entitled *Harleysville Insurance Co. of N.Y. a/s/o Coachlight Square on the Hudson v. The Home Depot* (06 CV 5612) and *Encompass Insurance Co. a/s/o Paul and Audrey Grillo v. Maytag Corporation* (07 CV 92.) A conference was scheduled today before Judge Brieant for all of these cases. I "checked in" with you before the calendar call, and advised that the consolidated property damage actions were settled and the stipulation of dismissal was submitted via Electronic Case Filing. You asked me to fax a copy of the stipulation to chambers. Accordingly, a copy is enclosed. I also advised you that the *Home Depot v. Chubb* action is being settled, but the parties need time to submit a stipulation of dismissal. You adjourned the conference to January 14, 2008, and confirmed that an appearance before Judge Brieant was not necessary today. I understand that the *Home Depot v. Chubb* case was then called before Judge Brieant and counsel for the defendants was heard. I understand that counsel confirmed that the case is settled, and Judge Brieant adjourned the conference to January 18, 2008. Accordingly, the parties to *Home Depot v. Chubb* will appear on January 18, 2008 unless the stipulation of

HERZFELD & RUBIN, P.C.

dismissal is filed before then. Thank you for your ongoing attention to this matter.

Respectfully submitted,

  
Natalie Lefkowitz

cc:

Via Facsimile

Thomas M. DeMicco, Esq.  
Wilson Elser Moskowitz Edelman & Dicker LLP  
Counsel for Defendants Chubb and Federal  
3 Gannett Drive  
White Plains, New York 10604-3407